

No. 12631

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
GAMBIA**

Exchange of notes constituting an agreement concerning officers designated by the Government of the United Kingdom in the service of the Government of the Gambia. Bathurst, 22 March 1971 and 12 October 1972

Authentic text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 19 June 1973.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
GAMBIE**

Échange de notes constituant un accord relatif aux agents affectés au service du Gouvernement gambien par le Gouvernement du Royaume-Uni. Bathurst, 22 mars 1971 et 12 octobre 1972

Texte authentique: anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 19 juin 1973.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE GAMBIA CONCERNING OFFICERS
DESIGNATED BY THE GOVERNMENT OF THE UNITED
KINGDOM IN THE SERVICE OF THE GOVERNMENT OF THE
GAMBIA

I

*The Secretary-General of the Government of the Gambia
to the United Kingdom High Commissioner at Bathurst*

PRESIDENT'S OFFICE
BATHURST

22nd March, 1971

Sir,

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Gambia relating to certain officers in the service of the Government of the Gambia designated by the Government of the United Kingdom and to place on record the terms of the agreement which was resolved:

1. The Government of the United Kingdom will make the reimbursements and payments, as specified in this Agreement, to or in respect of officers in the public service of the Government of the Gambia who are designated by the Government of the United Kingdom in accordance with this Agreement (such officers hereinafter being referred to as 'designated officers').

2. The Government of the United Kingdom and the Government of the Gambia will hold annual reviews of the requirements that the Government of the Gambia may have as regards the employment of designated officers in their public service, so that the Government of the United Kingdom may, in consultation with the Government of the Gambia, determine the classes or categories of officers, members of which the Government of the United Kingdom is prepared to designate, the number of officers in each such class or category which may be designated and the maximum sum that will be available during any specified period to meet the obligations of the Government of the United Kingdom under this Agreement. During such reviews the Government of the Gambia will provide the Government of the United Kingdom with such information as that Government may require in order to calculate the amounts payable by that Government and the number of officers to be designated.

3. An officer may be designated generally or for such period as may be specified in the designation; and the designation of an officer may be terminated at the discretion of the Government of the United Kingdom: Provided that the Government of the United Kingdom in exercise of the discretion to terminate the designation of an officer shall take into account the consequences that would follow if designation were to be terminated.

4. The Government of the United Kingdom will reimburse the Government of the Gambia

¹ Came into force on 12 October 1972 by the exchange of the said notes, with effect from 1 April 1971, in accordance with their provisions.

- (a) in the case of a designated officer serving on pensionable terms a sum equal to the inducement allowance paid to him by the Government of the Gambia being an allowance taken into account in computing the pension for which such officer is eligible under the appropriate pension laws, at such annual rate as is specified by the Government of the United Kingdom less the sum agreed by that Government and the Government of the Gambia as being equivalent to the amount of taxation payable on that allowance;
- (b) one half of the aggregate amount paid by the Government of the Gambia in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 6 of this Agreement) as the Government of the Gambia may, with the concurrence of the Government of the United Kingdom, prescribe.

5. The Government of the United Kingdom will, on behalf of the Government of the Gambia, pay direct to each designated officer (whether such officer is serving on contract or pensionable terms):

- (a) an inducement allowance, which in the case of an officer serving on pensionable terms is not taken into account in computing his pension, at such rate as may be specified from time to time by the Government of the United Kingdom;
- (b) any education allowance for which the officer may be eligible in respect of any child under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (c) any appointment grant for which the officer may be eligible on such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (d) that part of any gratuity payable to the officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph.

6. The Government of the United Kingdom will, to the same extent as heretofore, meet the cost of holiday passages for the children of a designated officer, that is to say, passages to enable children to visit their parents in the Gambia, on such terms and conditions and occasions and in respect of such children and at such rates and by such classes of accommodation as may be specified from time to time by the Government of the United Kingdom.

7. The allowances, grant and gratuity payable direct to a designated officer by the Government of the United Kingdom in accordance with the provisions of this Agreement will be paid into an account at a bank nominated by the officer situated in the United Kingdom or the Republic of Ireland or such other country as may be agreed by the Government of the United Kingdom.

8. The allowances, grant and gratuity paid direct by the Government of the United Kingdom to a designated officer shall be exempt from the payment of income tax under any law in force in the Gambia.

9. Whenever the Government of the Gambia desires to renew the contract of a designated officer or to recruit an officer who may be eligible for designation, the Government of the Gambia will consult the Government of the United Kingdom and that Government will inform the Government of the Gambia whether or not the officer may be re-designated or designated, as the case may be, in accordance with this Agreement.

10. In the event of a designated officer being seconded from the employment of the Government of the Gambia without the concurrence of the Government of the United Kingdom, the Government of the Gambia will, if requested to do so by the Government of the United Kingdom, pay to that Government a sum equal to the total cost of the reimbursements and payments made by that Government in respect of that officer whilst so seconded.

11. The Government of the Gambia will provide each designated officer, within a reasonable time of his taking up employment with that Government, with accommodation and basic furnishings in good condition and agreed with the Government of the United Kingdom to be suitable to the rank and family circumstances of the officer at a rent reasonable in relation to his basic salary.

12. The Government of the Gambia will promptly inform the Government of the United Kingdom of any event which might affect the eligibility of a designated officer under this Agreement to receive payments from the Government of the United Kingdom.

13. The Government of the Gambia will, whenever requested to do so by the Government of the United Kingdom, supply to that Government such accounts and other information in connection with the operation of this Agreement as may be specified in such request.

14. This Agreement shall come into operation on 1st April 1971 and on 31st March 1971 the Scheme described in the Overseas Service (Gambia) Memorandum of Conditions 1961 shall terminate.

15. This Agreement shall terminate, unless some other date is agreed between the Governments of the United Kingdom and of the Gambia on 31st March 1976.

I have the honour to be, Sir, Your obedient Servant,

T. G. G. SENGHORE
for Secretary-General

II

*The United Kingdom High Commissioner at Bathurst to the Secretary-General
of the Government of the Gambia*

BRITISH HIGH COMMISSION
BATHURST

12 October, 1972

Sir,

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Gambia relating to certain officers in the service of the Government of the Gambia designated by the Government of the United Kingdom and to place on record the terms of the agreement which was resolved:

1. The Government of the United Kingdom will make the reimbursements and payments, as specified in this Agreement, to or in respect of officers in the public service of the Government of the Gambia who are designated by the Government of the United Kingdom in accordance with this Agreement (such officers hereinafter being referred to as 'designated officers').

2. The Government of the United Kingdom and the Government of the Gambia will hold annual reviews of the requirements that the Government of the Gambia may have as regards the employment of designated officers in their public service, so that the Government of the United Kingdom may, in consultation with the Government of the Gambia, determine the classes or categories of officers, members of which the Government of the United Kingdom is prepared to designate, the number of officers in each such class or category which may be designated and the maximum sum that will be available during any specified period to meet the obligations of the Government of the United Kingdom under this Agreement. During such reviews the Government of the Gambia will provide the Government of the United Kingdom with such information as that Government may

require in order to calculate the amounts payable by that Government and the number of officers to be designated.

3. An officer may be designated generally or for such period as may be specified in the designation; and the designation of an officer may be terminated at the discretion of the Government of the United Kingdom: Provided that the Government of the United Kingdom in exercise of the discretion to terminate the designation of an officer shall take into account the consequences that would follow if designation were to be terminated.

4. The Government of the United Kingdom will reimburse the Government of the Gambia

- (a) in the case of a designated officer serving on pensionable terms a sum equal to the inducement allowance paid to him by the Government of the Gambia being an allowance taken into account in computing the pension for which such officer is eligible under the appropriate pension laws, at such annual rate as is specified by the Government of the United Kingdom less the sum agreed by that Government and the Government of the Gambia as being equivalent to the amount of taxation payable on that allowance;
- (b) one half of the aggregate amount paid by the Government of the Gambia in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 6 of this Agreement) as the Government of the Gambia may, with the concurrence of the Government of the United Kingdom, prescribe.

5. The Government of the United Kingdom will, on behalf of the Government of the Gambia, pay direct to each designated officer (whether such officer is serving on contract or pensionable terms)—

- (a) an inducement allowance, which in the case of an officer serving on pensionable terms is not taken into account in computing his pension, at such rate as may be specified from time to time by the Government of the United Kingdom;
- (b) any education allowance for which the officer may be eligible in respect of any child under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (c) any appointment grant for which the officer may be eligible on such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (d) that part of any gratuity payable to the officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph.

6. The Government of the United Kingdom will, to the same extent as heretofore, meet the cost of holiday passages for the children of a designated officer, that is to say, passages to enable children to visit their parents in the Gambia, on such terms and conditions and occasions and in respect of such children and at such rates and by such classes of accommodation as may be specified from time to time by the Government of the United Kingdom.

7. The allowances, grant and gratuity payable direct to a designated officer by the Government of the United Kingdom in accordance with the provisions of this Agreement will be paid into an account at a bank nominated by the officer situated in the United Kingdom or the Republic of Ireland or such other country as may be agreed by the Government of the United Kingdom.

8. The allowances, grant and gratuity paid direct by the Government of the United Kingdom to a designated officer shall be exempt from the payment of income tax under any law in force in the Gambia.

9. Whenever the Government of the Gambia desires to renew the contract of a designated officer or to recruit an officer who may be eligible for designation, the

Government of the Gambia will consult the Government of the United Kingdom and that Government will inform the Government of the Gambia whether or not the officer may be re-designated or designated, as the case may be, in accordance with this Agreement.

10. In the event of a designated officer being seconded from the employment of the Government of the Gambia without the concurrence of the Government of the United Kingdom, the Government of the Gambia will, if requested to do so by the Government of the United Kingdom, pay to that Government a sum equal to the total cost of the reimbursements and payments made by that Government in respect of that officer whilst so seconded.

11. The Government of the Gambia will provide each designated officer, within a reasonable time of his taking up employment with that Government, with accommodation and basic furnishings in good condition and agreed with the Government of the United Kingdom to be suitable to the rank and family circumstances of the officer at a rent reasonable in relation to his basic salary.

12. The Government of the Gambia will promptly inform the Government of the United Kingdom of any event which might affect the eligibility of a designated officer under this Agreement to receive payments from the Government of the United Kingdom.

13. The Government of the Gambia will, whenever requested to do so by the Government of the United Kingdom, supply to that Government such accounts and other information in connection with the operation of this Agreement as may be specified in such request.

14. This Agreement which should be cited as the Overseas Service (the Gambia) Agreement 1971, came into operation on 1st April 1971 and, on 31st March 1971, the scheme described in the Overseas Service (Gambia) Memorandum of Conditions 1961 terminated.

15. This Agreement shall terminate, unless some other date is agreed between the Governments of the United Kingdom and of the Gambia, on 31st March 1976.

I have the honour to be, Sir, Your obedient Servant,

J. R. W. PARKER
British High Commissioner